

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:

NICOLE SAWYER
SSN: XXX-XX-9489

Case No. 15-33181-DHW
Chapter 13

Debtor(s)

**TRUSTEE'S MOTION TO EXAMINE DEBTOR(S)
TRANSACTIONS WITH ATTORNEY AND TO EXAMINE ATTORNEY'S FEES
OR IN THE ALTERNATIVE DISMISS DEBTOR(S) CASE**

COMES NOW, the Trustee, and moves this Honorable Court to examine debtor(s) transactions with attorney and to examine attorney's fees to be paid through the plan or in the alternative to dismiss debtor(s) case. As grounds for said motion, states as follows:

1. The debtor(s) application for fees pursuant to Rule 2016 of the Bankruptcy Rules of Procedure provides that a reasonable fee has been agreed to between the parties. Pursuant to this Court's administrative Order regarding Chapter 13 fees, this fee would include such tasks on the part of the attorney as filing motions to modify the plan, objections to claims or §522(f) lien avoidance.
2. Internal Revenue Service filed a Priority/Split claim in the amount of \$1,164.25 (Court Claim #3).
3. Trustee advised the debtor and debtor(s) attorney that the confirmed plan makes no provisions and requested the attorney to either make provisions or object to said claim; whichever was more appropriate.
4. Either action was taken and then withdrawn or no action has been taken and the delay by the debtor(s) and/or debtor(s) attorney has been prejudicial to the creditor in this case.

WHEREFORE, the above premises considered, the Trustee moves this Honorable Court to examine the debtor(s) transactions with attorney and to examine the debtor(s) attorney's fees as a result of the debtor(s) attorney's failure to amend the plan or object to the claim(s) as required in the proper amount of time or in the alternative to dismiss debtor(s) case. If, upon the motion to examine hearing, it is determined that the attorney had made attempts through telephone calls or correspondence to the debtor(s) and no response was received, then in the alternative the Trustee moves to dismiss the debtor(s) case.

Sabrina L. McKinney
Chapter 13 Standing Trustee

By: /s/ Audrey L. Willis

Audrey L. Willis
Staff Attorney

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing TRUSTEE'S MOTION TO EXAMINE DEBTOR(S) TRANSACTIONS WITH ATTORNEY AND TO EXAMINE ATTORNEY'S FEES OR IN THE ALTERNATIVE DISMISS DEBTOR(S) CASE has been served on the parties listed below by either electronic mail or by placing same in the U.S. Mail, postage prepaid and properly addressed this Monday, 2 October, 2017.

Copy to: DEBTOR(S)
RICHARD D SHINBAUM

/s/ Audrey L. Willis

Audrey L. Willis
Staff Attorney